

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

IN RE LOESTRIN 24 FE ANTITRUST
LITIGATION

MDL No. 2472

Master File No.
1:13-md-2472-S-PAS

THIS DOCUMENT RELATES TO:

ALL END-PAYOR CLASS ACTIONS

**END-PAYOR PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
AND APPOINTMENT OF CLASS COUNSEL**

Pursuant to Rules 23(a), (b)(3) and (g) of the Federal Rules of Civil Procedure, Plaintiffs, A.F.of L. - A.C.G. Building Trades Welfare Plan, Allied Services Division Welfare Fund, City of Providence, Rhode Island, Electrical Workers 242 and 294 Health & Welfare Fund, Fraternal Order of Police, Fort Lauderdale Lodge 31, Insurance Trust Fund, Laborers International Union of North America, Local 35 Health Care Fund, Painters District Council No. 30 Health & Welfare Fund, Teamsters Local 237 Welfare Benefits Fund, United Food and Commercial Workers Local 1776 & Participating Employers Health and Welfare Fund, Denise Loy, and Mary Alexander (collectively, "End-Payor Plaintiffs") hereby move this Court for an Order certifying the following End-Payor Class:

All persons or entities in the United States and its territories who indirectly purchased, paid and/or provided reimbursement for some or all of the purchase price for Loestrin 24 Fe and/or its AB-rated generic equivalents in any form, and/or Minastrin 24 Fe and/or its AB-rated generic equivalents in any form, for consumption by themselves, their families, or their members, employees, insureds, participants, or beneficiaries (the "Class" or the "End-Payor Class"), other than for resale, during the period September 1, 2009 through and until the anticompetitive effects of Defendants' unlawful conduct cease (the "Class Period"). For purposes of the Class definition, persons or entities "purchased" Loestrin 24 Fe, Minastrin 24 Fe, or their generic equivalents if they indirectly purchased, paid and/or reimbursed for some or all of the purchase price.

The following persons or entities are excluded from the proposed End-Payor Class:

- a. Defendants and their officers, directors, management, employees, subsidiaries, or affiliates;
- b. All federal or state governmental entities, excluding cities, towns or municipalities with self-funded prescription drug plans;
- c. All persons or entities who purchased Loestrin 24 Fe or its AB-rated generic equivalent, and/or Minastrin 24 Fe or its AB-rated generic equivalent, for purposes of resale or directly from Defendants or their affiliates;
- d. Fully insured health plans (i.e., Plans that purchased insurance from another third-party payor covering 100% of the Plan's reimbursement obligations to its members);
- e. Any "flat co-pay" consumers whose purchases were paid in part by a third party payor and whose co-payment was the same regardless of the retail purchase price;
- f. Any "brand loyalist" consumers or third-party payors who purchased Loestrin 24 Fe and who did not purchase any AB-rated generic equivalent after such generics became available; and
- g. The judges in this case and any members of their immediate families.

End-Payor Plaintiffs also move for: the appointment of the End-Payor Plaintiffs as representatives of the Class; for the appointment of Motley Rice LLC, Miller Law LLC, Hilliard & Shadowen LLP and Cohen Milstein Sellers & Toll PLLC as Co-Lead Class Counsel; and appointment of Motley Rice LLC as Liaison Counsel for the Class. The grounds for End-Payor Plaintiffs' motion are set forth in the accompanying Memorandum of Law and the Exhibits attached to the Declaration of Michael M. Buchman, Esq.

Dated: July 30, 2018

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Michael M. Buchman

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2018, a true copy of the foregoing document was served on all counsel of record by electronically filing the document with the Court's CM/ECF system.

/s/ Michael M. Buchman

Michael M. Buchman